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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

LIONEL SCOTT ELLISON,

Defendant.

CAUSE NO. DC: 11-0767

JUDGE: RUSSELL C. FAGG

AMENDED INFORMATION

The undersigned Special Deputy County Attorney of Yellowstone County, Montana, states: before the filing of this Amended Information, the above-named Defendant, in Yellowstone County, Montana, on or about February 14, 15, and 23, 2011, committed the offenses of:

**COUNT I: THEFT BY INSURANCE FRAUD, Mont. Code Ann. §§ 33-1-1202 and 45-6-301
(FELONY)**

(Punishable by imprisonment in the state prison for a term not more than 10 years or a fine of not more than \$50,000, or both)

The alleged facts constituting the offense are:

That the Defendant, LIONEL SCOTT ELLISON, with the purpose to obtain money from an insurer, gave oral statements containing false, incomplete, and misleading information in support of his claim for payment.

Specifically, on or about February 14, 2011, in Yellowstone County, the Defendant informed his insurance company, Travelers Insurance Company, that vandals had plugged the upstairs sinks in his residence at 2475 S. 17 Rd., Ballantine, Montana. Defendant stated that the plugged upstairs sinks caused water damage. Moreover, Defendant informed his insurer that vandals had left graffiti on the walls of his home.

On February 15, 2011, Defendant inspected the damage of the home with a representative from Travelers Insurance Company. Defendant restated his February 14th claim to the representative that vandals plugged the upstairs sinks, causing the water damage in the home. Moreover, Defendant informed his insurer that vandals had left graffiti on the walls of his home.

However, the February 15th inspection of the home revealed the water damage was actually from a frozen pipe in the downstairs and not the result of the alleged vandalism. The inspection revealed little to no indication that the upstairs sinks had overflowed, despite Defendant's assertions in support of his insurance claim. Defendant's homeowner's policy covered vandalism. The policy did not cover frozen pipes.

On February 23, 2011, Defendant submitted time-stamped photographs to his insurance agent in support of his claim. These were date-stamped on February 13, 2011. This was the date Defendant allegedly discovered the vandalism. However, these photographs show that Defendant staged the alleged vandalism, making his February 14, 2011, statements to the insurer false.

On March 9, 2011, Defendant spoke with an investigator representing Travelers Insurance Company. Defendant estimated the total damages to cost \$130,000 to \$150,000. Travelers Insurance Company deemed the claim suspicious and did not pay these amounts.

**COUNT II: THEFT BY INSURANCE FRAUD, Mont. Code Ann. §§ 33-1-1202 and 45-6-301
(FELONY)**

(Punishable by imprisonment in the state prison for a term not more than 10 years or a fine of not more than \$50,000, or both)

The alleged facts constituting the offense are:

That the Defendant, LIONEL SCOTT ELLISON, with the purpose to obtain money from an insurer, gave oral statements containing false, incomplete, and misleading information in support of his claim for payment.

Specifically, on or about February 23, 2011, Defendant provided pictures to his insurance agent in support of his fraudulent claim. These time-stamped photographs showed the condition of Defendant's home immediately after he allegedly discovered the purported vandalism. Defendant showed these photographs to his insurance agent, explaining that alleged vandals caused extensive damage to his home, plugging the upstairs sinks, and leaving graffiti on the walls. However, these photographs clearly demonstrate that Defendant staged the vandalism by writing graffiti on the walls himself. Moreover, the photographs show that the purported water damage was the result of a broken pipe in the basement and not the result of plugged sinks. This made his February 23, 2011, statements to his insurer false.

Dated this January 4, 2012.

Scott Twito, Yellowstone County Attorney

By: 

Jameson C. Walker

Special Assistant Attorney General

Special Deputy Yellowstone County Attorney

STATE OF MONTANA)

ss:

County of Lewis and Clark)

The undersigned, being first duly sworn on his oath, deposes and says: That he is the duly elected, qualified, and acting County Attorney of Yellowstone County, Montana, that he has read the foregoing Amended Information; knows the contents thereof; and the matters, facts, and things therein stated are true of his knowledge, except those things stated on information and belief, and that as to those he believes it to be true.

Scott Twito, Yellowstone County Attorney

By: 

Jameson C. Walker

Special Assistant Attorney General

Special Deputy Yellowstone County Attorney

WITNESSES ON PART OF STATE:

